

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LORRAINE BONTE,

Plaintiff,

- against -

YORKVILLE CAPITAL and LEONARD
EDELSTEIN,

Defendants.

ORDER

22 Civ. 5531 (ER)

Ramos, D.J.:

Lorraine Bonte brought this action against Yorkville Capital and Leonard Edelstein on June 29, 2022, alleging, *inter alia*, breach of fiduciary duty. Doc. 1. To date, Yorkville Capital has neither been served nor appeared. Leonard Edelstein was served on August 26, 2022 and was required to answer by September 16, 2022. Doc. 10. To date, Edelstein has neither answered nor appeared.

On December 9, 2022, Bonte filed an affidavit seeking default judgment and a proposed clerk's certificate of default against both defendants.¹ Docs. 15, 16. The Clerk of Court entered the certificate of default that same day. Doc. 17.

With respect to Edelstein, Bonte has not taken any additional steps to move for default judgment pursuant to the Default Judgment Procedure of the [Individual Practices of the Court](#).

¹ Counsel for Bonte's December 9, 2022 affidavit in support of default judgment provides that Yorkville Capital was served on August 2, 2022 via personal service. Doc. 16. However, no affidavit of service has been filed with the Court.

Bonte is therefore directed to either (1) move for default judgment and serve Yorkville Capital, or (2) or file a status report with the Court by January 31, 2023. Failure to do so may result in dismissal of the case for failure to prosecute.

It is SO ORDERED.

Dated: January 24, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.